

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY WEST, JR.,

Petitioner,

v.

BRIAN CATES,

Respondent.

Case No. 2:21-cv-0410-DJC-JDP (P)

ORDER

On May 17, 2022, I recommended that this action be stayed under *Kelly v. Small*, 315 F.3d 1063 (9th Cir. 2002). ECF No. 11. The court adopted that recommendation and stayed this matter on September 15, 2022. ECF No. 12. In that order, the court order petitioner to file an amended petition that contains only his exhausted claims and to amend his new petition once he exhausts his claims in state court. *Id.* Petitioner has neither filed an amended petition nor updated the court on the status of his claims. Given the length of time that has passed since the court instituted the *Kelly* stay, petitioner is ordered to file a status report that details the status of his claims.

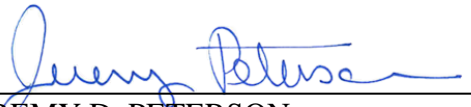
Accordingly, it is hereby ORDERED that:

1. Petitioner shall file, within thirty days, a status report detailing the status of his claims.

1 2. Failure to comply with this order may result in the imposition of sanctions, including a
2 recommendation that this action be dismissed for lack of prosecution.

3
4 IT IS SO ORDERED.

5 Dated: October 29, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE